

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1591.00
COMPLAINT INVESTIGATOR: Steve Starbuck
DATE OF COMPLAINT: June 29, 2000
DATE OF REPORT: July 24, 2000
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: January 16, 2001

COMPLAINT ISSUES:

Whether the Portage Township Schools and the Porter County Education Interlocal violated:

511 IAC 7-12-1(k)(2) and (3) with regard to the school's alleged failure to include in the student's individualized education program (IEP) annual goals or objectives in all areas identified.

34 CFR 300.347(a)(3) with regard to the school's alleged failure to include in the student's IEP a statement of supplementary aids and services to be provided to the child, including program modifications.

34 CFR 300.347(a)(7) with regard to the school's alleged failure to include in the student's IEP a statement of how the student's progress towards annual goals will be measured and how the student's parent will be informed of this progress.

During the course of the investigation, additional issues were identified, which are:

34 CFR 300.344(a)(2) with regard to the school's alleged failure to include in the case conference committee (CCC) meeting at least one general education teacher.

511 IAC 7-12-2(a)(3) with regard to the school's alleged failure to include in the IEP the reason the student is not receiving educational instruction at their home school.

FINDINGS OF FACT:

1. The student is eleven years old and will be attending the sixth grade this fall. The student has been determined eligible for special education due to autism and a communication disorder.
2. In a letter received by the Division on July 12, 2000, the parent requested to withdraw issues 511 IAC 7-12-1(k)(2) and (3), and 34 CFR 300.347(a)(3) from the complaint investigation process.
3. The student's IEP written on November 17, 1999, lists annual goals for the student in the following areas: communication, functional academics, personal management, and vocational training. Although it is listed how the student's progress towards annual goals will be measured, none of the four forms utilized to record the annual goals include a statement as to how the parent will be informed of the student's progress made towards achieving these goals. The student's amended IEP of May 10, 2000, lists annual goals for functional academics and personal management. Neither form includes a statement as to how the parent will be informed of the student's progress made towards achieving these two goals; however, how the student's progress towards annual

- goals will be measured is listed on the forms.
4. The student's last annual case review was convened on November 17, 1999. In the least restrictive environment section of the IEP, it states the student will participate in special education instruction for most of the instructional day, with instruction in the general classroom for part of the day. Page nineteen of the IEP states the student attends regular education for music class. According to the Multi-disciplinary Case Conference Report dated November 17, 1999, no general education teacher attended the CCC meeting.
 5. The first page of the IEP dated November 17, 1999, lists one school as the school the student is presently attending and another school as the student's home school. Page 32 of the IEP states the student will be transported to other than home school. The maternal grandparent states the student has not been attending her home school due to the student's special needs. There is no statement in the IEP which explains the reason the student is not receiving educational instruction at her home school.

CONCLUSIONS:

1. Finding of Fact #2 indicates the parent provided a written request to withdraw complaint issues 511 IAC 7-12-1(k)(2) and (3), and 34 CFR 300.347(a)(3) from the complaint investigation process. Therefore, the Division draws no conclusions with regard to these two issues.
2. Finding of Fact #3 reflects the school did not include in the student's IEPs a statement of how the parent will be informed of the student's progress made towards annual goals. Therefore, a violation of 34 CFR 300.347(a)(7) is found.
3. Finding of Fact #4 indicates the school failed to include in the CCC meeting convened on November 17, 1999, at least one general education teacher. Therefore, a violation of 34 CFR 300.344(a)(2) is found.
4. Finding of Fact #5 indicates the school failed to include in the student's IEP a statement which explains the reason the student is not receiving educational instruction at her home school. Therefore, a violation of 511 IAC 7-12-1(a)(3) is found.

The Department of Education, Division of Special Education, requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Portage Township Schools and the Porter County Education Interlocal shall:

1. In-service all appropriate personnel as to the requirements as specified in 511 IAC 7-27-3(a)(3), 511 IAC 7-27-6(a)(7), and 511 IAC 7-27-9(a)(3). Submit documentation to the Division that the in-service training has been completed no later than September 22, 2000, as required by Complaint Investigation Report #1589.00. The documentation should include a list or an agenda of all issues discussed, any handouts that were distributed, and a list of attendees by name and title.
2. Develop a written policy that specifies the CCC will determine how and when parents will be informed of a student's progress made towards annual goals. The policy should include that parents will be informed at least as often as parents are informed of their nondisabled student's progress, and the extent to which that progress is sufficient to enable the student to achieve the goals by the end of the twelve month period. Submit a copy of the policy to the Division no later than August 11, 2000, as required by Complaint Investigation Reports #1585.00 and #1589.00.

3. Mail a letter to the parents of all students receiving special education in the school district informing them that the CCC determines how and when parents are informed of a student's progress made towards achieving annual goals. The letter should offer the parent the option to convene a CCC meeting to discuss and determine how and when the parent will be informed of the student's progress towards achieving annual goals. The letter should include a statement indicating that if the parent does not wish to convene a CCC meeting to discuss this one issue, that the issue will be addressed at the next regularly scheduled CCC meeting. List in the letter a deadline no less than three weeks from the date the letter is mailed for the parent to respond to the option of convening a CCC meeting. The letter should specify who the parent should contact to schedule a CCC meeting and how this individual can be reached. Submit a copy of the letter to the Division no later than August 11, 2000, as required by Complaint Investigation Reports #1585.00 and #1589.00.
4. As required by Complaint Investigation Reports #1585.00 and #1589.00, submit a letter of assurance to the Division no later than August 11, 2000, stating that the school corporation will provide a general education teacher at all future CCC meetings, if the student is or may be participating in the general education environment.
5. Notify the Division whether or not the student is attending her home school no later than December 1, 2000. If the student continues to receive educational instruction outside of her home school, submit a copy of the student's IEP and Multi-disciplinary Case Conference Report to the Division no later than December 1, 2000. The IEP should include a statement which explains the reason the student is not receiving educational instruction at her home school.

DATE REPORT COMPLETED: July 24, 2000